

Service Date: June 16, 1994

FINAL ORDER NO. 6311
DEPARTMENT OF PUBLIC SERVICE REGULATION
MONTANA PUBLIC SERVICE COMMISSION
1701 Prospect Avenue, P.O. Box 202601
Helena, Montana 59620-2601

IN THE MATTER OF)
Ron & Debbie Kindsfather)
dba Limo Scene Limousine Service,)
Billings, Montana, the application for a)
Montana Intrastate Certificate)
of Public Convenience and Necessity.)

Docket No. T-94.14.PCN
Order No. 6311

The Commission, having taken evidence and being fully advised in the premises, makes the following findings, conclusions and order:

FINDINGS OF FACT

1. On February 24, 1994, Ron & Debbie Kindsfather dba Limo Scene Limousine Service, 1509 Rosebud Lane, Billings, MT 59101 filed an application with the Montana Public Service Commission under Title 69, MCA, to amend Certificate of Public Convenience and Necessity PSC 8949 which currently authorizes transportation of the following:

Class B - Passengers within Billings, Montana, and a fifty (50) mile radius thereof.

Limitations: (1) Transportation is restricted to chauffeured limousine service only. (2) Transportation is restricted to six (6) passengers or less. (3) Transportation of Burlington Northern crews is prohibited. (4) Transportation as a jitney or taxi is prohibited. (5) Service is restricted to that provided by reservations made at least 24 hours in advance.

Applicant proposes to amend PSC No. 8949 as follows:

Class B - Passengers between all points and places within a **200 mile radius** of Billings, Montana.

Limitations: (1) **Transportation must originate or terminate a) in Yellowstone County or b) within a fifty (50) mile**

radius of Billings, Montana. (2) Transportation is limited to luxury limousine service only. (3) Transportation is restricted to **twelve (12) passengers or less.** (4) Transportation of Burlington Northern crews is prohibited. (5) Transportation as a bus, jitney or taxi is prohibited. (6) Service is restricted to that provided by **reservations made at least one (1) hour in advance.**

2. In accordance with Section 69-23-321, MCA, as amended, this matter was noticed to the public March 7, 1994. That notice said in pertinent part:

If no written protests are received by March 27, 1994, a hearing may not be held and a final order may be issued in this Docket. If a protest is received, a hearing will be scheduled. Individual notice of the hearing will be given only to Protestants and Applicant.

The application included affidavits of support.

3. Protests were filed by Schelko, Inc. dba A-Limo Limousine Co., Billings, Montana; 4x4 Stage, Inc., Belgrade, Montana; Daketokacate, Great Falls, Montana; and Camelot Limousine Service, Missoula, Montana.

4. Notice of public hearing was issued May 3, 1994, with hearing scheduled for Wednesday May 25, 1994, in Billings, Montana. The hearing was vacated at the request of the applicant.

5. On June 8, 1994, Applicant restrictively amended the application. Protests to the docket have been withdrawn. The amendment is incorporated into the Order granting authority herein.

6. The record of this application is available for inspection at the Public Service Commission Office, 1701 Prospect Avenue, P.O. Box 202601, Helena, Montana 59620-2601.

CONCLUSIONS OF LAW

1. The Montana Public Service Commission properly exercises jurisdiction over the parties and subject matter in this proceeding.

2. The Commission afforded all parties interested in this proceeding proper notice and an opportunity to participate.

3. Public Convenience and Necessity require a grant of the authority sought

by the Applicant.

ORDER

NOW THEREFORE, at a session of the Public Service Commission, Department of Public Service Regulation of the State of Montana, held in its offices at 1701 Prospect Avenue, Helena, Montana, on the 13th day of June, 1994, there being present a quorum of Commissioners, there came regularly before the Commission for final action the matters and things in Docket No. T-94.14.PCN, and the Commission being fully advised in the premises;

IT IS ORDERED by the Commission that the application of Ron and Debbie Kindsfather dba Limo Scene Limousine Service, Billings, Montana to amend Certificate of Public Convenience and Necessity PSC No. 8949 IS GRANTED to the following extent:

Class B - Passengers between all points and places within a **200 mile radius** of Billings, Montana.
Limitations: (1) **Transportation must originate a) in Yellowstone County or b) within a fifty (50) mile radius of Billings, Montana.** (2) Transportation is limited to luxury limousine service only. (3) Transportation is restricted to **twelve (12) passengers or less.** (4) Transportation of Burlington Northern crews is prohibited. (5) Transportation as a bus, jitney or taxi is prohibited. (6) Service is restricted to that provided by **reservations made at least one (1) hour in advance. (7) Transportation to Park, Gallatin or Madison Counties in Montana is further limited to that which originates in Yellowstone County, Montana.**

IT IS FURTHER ORDERED that PSC No. 8949, issued December 31, 1990, be returned to the Commission for cancellation in lieu of the amended authority granted herein.

IT IS FURTHER ORDERED that a full, true and correct copy of this order be sent forthwith by first class mail to the applicant and all parties herein.

THE FOREGOING ORDER was adopted by the Department of Public Service

Regulation of the State of Montana, Public Service Commission, IN OPEN SESSION at
Helena, Montana, this 13th day of June, 1994, by a vote of 5 - 0.

BY ORDER OF THE MONTANA PUBLIC SERVICE COMMISSION.

BOB ANDERSON, Chairman

BOB ROWE, Vice Chairman

DAVE FISHER, Commissioner

NANCY McCAFFREE, Commissioner

DANNY OBERG, Commissioner

ATTEST:

Kathlene M. Anderson
Commission Secretary

(SEAL)

NOTE: Any interested party may request the Commission to reconsider this decision. A motion to reconsider must be filed within ten (10) days. See 38.2.4806, ARM.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of Findings of Fact issued in Docket No. T-94.14.PCN in the matter of Ron & Debbie Kindsfather dba Limo Scene Limousine Service (Billings, Montana) has today been sent to all parties listed.

MAILING DATE: June 16, 1994

FOR THE COMMISSION

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AS ITS INTERESTS MAY APPEAR:

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